

UNITED STATES DISTRICT COURT

DISTRICT OF NEW HAMPSHIRE

Eric R. Searles,  
Plaintiff

v.

Civil No. 02-cv-360-SM

Superintendent of the  
Hillsborough County Jail;  
Bonnie Ives, Chief of Security  
at the Hillsborough DOC;  
Jason Riley; Carl Brown;  
Ryan Lavierge; James Sheldon;  
Sydney Barnes; F/N/U Fletcher;  
Sean Heffner; F/N/U Smith;  
and F/N/U/ Lopez,  
Defendants

**O R D E R**

Defendants move to dismiss for failure to prosecute, See Fed. R. Civ. P. 41(b) and Local Rule 83.6(e), asserting that plaintiff has failed to respond to interrogatories served on him by mail (which he appears to have received), and has moved his residence without advising counsel or the court of his current address, as required by local rule. Correspondence inquiring about the overdue interrogatory answers has been returned as undeliverable, even at a forwarding address. Plaintiff has not responded to the motion to dismiss, and has apparently not made any inquiry as to the status of his case. Trial is set for March 6, 2007. The last affirmative contact by the plaintiff with this court seems to have been a year ago, on December 13, 2005, when he filed a notice of address change, from which the court

concludes that plaintiff is aware of his obligation in that regard and has moved his residence again and either neglected to notify the court and opposing counsel or has determined to abandon the case. The plaintiff shall show cause by written pleading filed on or before January 19, 2007, why this case should not be dismissed without prejudice for failure to prosecute. Defendants need not invest further time preparing the case given that plaintiff's whereabouts are unknown. Should he respond in timely fashion, or contact the court and provide his current address, defendants will be afforded appropriate relief necessary to permit them to adequately prepare for trial. The clerk shall mail this order to plaintiff's address of record and his last known address as indicated on Exhibit A to the motion to dismiss (document no. 86).

**SO ORDERED.**

  
Steven J. McAuliffe  
Chief Judge

December 8, 2006

cc: Eric R. Searles, pro se  
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